

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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JAMES SCHLOETTER
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May 1, 2018

Honorable Vince Chhabria
United States District Judge
San Francisco Venue

RE: Karim Baratov
3:17CR00103-004 VC
Statistical Sentencing Data

Your Honor:

On November 28, 2017, the above noted defendant pled guilty to a violation of 18 U.S.C. § 1030(b), and Judgment and Sentencing were scheduled for April 24, 2018. At that hearing, Your Honor requested statistical information from the United States Sentencing Commission (USSC), regarding the length of sentences that have been imposed nationally for similar crimes.

Pursuant to the Court's request, the undersigned contacted the United States Sentencing Commission (USSC) to request data about prior sentences imposed in similar cases. According to Christine Kitchens, the USSC is only able to provide data regarding an offense of conviction or data from cases that share a specific offense characteristic.

In this case, the USSC provided a table that includes data for defendants convicted of 18 U.S.C. § 1030(b) where the specific offense characteristic for obtaining personal information (USSG §2B1.1(b)(17) was applied. In order to increase the small sample size, the USSC provided data from 2010 to 2017. During this time frame, there were 20 cases that matched the exact criteria and the results are shown in the first column. In order to provide more information, the USSC also provided data for any defendant convicted under 18 U.S.C. § 1030. This data is reflected in column two. Attached is the table received from the USSC.

Please feel free to contact me at (510)637-3616, if you need further assistance.

Sincerely,

Emily Libby
Emily Libby
U.S. Probation Officer Specialist



Joan Vazquez-Santiago
Supervisory U.S. Probation Officer

Selected Sentencing Information for §2B1.1 Offenders with a Sentencing Enhancement under Subsection (b)(17) (Intent to obtain personal information)

**Comparing Offenders Convicted Under Either 18 U.S.C. § 1030(b) or 18 U.S.C. § 1030 (Any subsection)
Fiscal Years 2010 - 2017**

	18 U.S.C. § 1030(b)		18 U.S.C. § 1030		Any
			Number	Number	
	Total Number of Offenders	20	153		
Sentence Relative to the Guideline Range	Number	Percent	Number	Percent	
Within Range	9	45.0	80	52.3	
Above Range	0	0.0	7	4.6	
§5K1.1 Substantial Assistance	6	30.0	15	9.8	
All Other Gov't Sponsored Below Range	3	15.0	16	10.5	
Non-Gov't Sponsored Below Range	2	10.0	35	22.9	
Average Sentence²		Average Months		Average Months	
All Offenders		35		21	
Within Range		44		14	
Above Range		--		53	
§5K1.1 Substantial Assistance		2		22	
All Other Gov't Sponsored Below Range		89		29	
Non-Gov't Sponsored Below Range		--		27	
Average Extent of Departure for Below Range Sentences²	Average Months	Average Percent	Average Months	Average Percent	
	Below	Reduction	Below	Reduction	
§5K1.1 Substantial Assistance	34	76.7	43	78.7	
All Other Gov't Sponsored Below Range	75	45.6	31	59.6	
Non-Gov't Sponsored Below Range	--	--	13	59.3	

¹ Only cases with complete guideline application information sentenced under USSG §2B1.1 using a *Guidelines Manual* in effect November 1, 2009 or later, a sentencing enhancement under §2B1.1(b)(17) (intent to obtain personal information) and a conviction under either any subsection of 18 U.S.C. § 1030 (Fraud and related activity in connection with computers) or specifically under 18 U.S.C. § 1030(b), were included in the analysis. Totals may not sum to 100.0% due to rounding.

² Calculations of the average include sentences of probation as zero months and any term of confinement as described in USSG §5C1.1. Sentences and guideline minimums of 470 months or longer (including life) were included in the calculation as 470 months. The Commission does not report average sentence information for categories with fewer than three cases.